

**DEALING WITH COMPLAINTS AGAINST THE CHAIR OF THE  
INDEPENDENT POLICE COMPLAINTS COMMISSION (IPCC)**

**1. Introduction**

This note should be read together with the terms and conditions of appointment for the role of the chair of the Independent Police Complaints Commission.

The terms and conditions document sets out the high standards of conduct expected of the IPCC chair and in particular sets out the expectation that he or she will observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to his/her responsibilities within the IPCC and will observe the following seven principles of public life, known as the Nolan principles:

Selflessness – Appointees should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends.

Integrity – Appointees should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity – In carrying out public business including awarding contracts, or recommending individuals for rewards and benefits, appointees should make choices on merit.

Accountability – Appointees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness – Appointees should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty – Appointees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects public interest.

Leadership – Appointees should promote and support these principles by leadership and example.

**2. Scope**

The procedure set out in this document concerns complaints about the conduct of the chair of the IPCC.

“Conduct” in this context is defined as the standards of behaviour defined in the Nolan principles.

## **NOT PROTECTIVELY MARKED**

The procedure set out in this document is for complaints about the conduct of the IPCC chair where the allegation involves a breach of the standards set out in the terms and conditions of appointment.

### **3. Dealing with a complaint**

#### **Initial handling/assessment**

A complaint against the conduct of the IPCC chair will be sent to the Deputy Director of the IPCC sponsor team at the Home Office, who will act as the Commissioning Officer.

An initial assessment will be conducted by or on behalf of the Commissioning Officer to establish the nature of the complaint.

Complaints which relate to the service provided by the IPCC will be passed to the IPCC to respond to.

Complaints that are about decisions, statements or views and opinions expressed by the IPCC chair in the proper execution of his or her professional duties will be passed to the IPCC to respond to.

Complaints that can properly be described as about conduct - most simply defined in the Nolan principles – will fall to be dealt with using these procedures.

There will be occasions when the question whether or not a complaint is within the scope of these procedures will not be clear cut. There may, for example, be complaints which appear to relate to organisational issues or are about decisions or opinions expressed but are presented as complaints against conduct. In such cases the Commissioning Officer or person conducting the initial assessment on his or her behalf must make a judgement as to whether the essence of the complaint relates to conduct, and must communicate the reasons for that judgement clearly and promptly to all parties.

#### **Appointment of investigator**

Where the Commissioning Officer determines that the complaint is about conduct and is not suitable for immediate resolution then he/she will appoint an investigator who shall be either a Senior Civil Service (SCS) or equivalent or a person appointed by the Home Office (e.g. a retired senior civil servant or other external consultant with suitable experience).

As a first step the investigator should ensure that he/she has received the full details of the complaint. If the nature of the complaint is unclear then he/she should contact the complainant, informing him/her that he/she has been appointed to investigate the complaint and seeking clarification as necessary.

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The investigator should ensure that the key stages in the investigation are recorded, and that all appropriate documents relating to the complaint are retained. Hard copies of these documents should be kept and given to the Commissioning Officer for safe-keeping after completion of the investigation.

Any e-documents should be stored in a secure folder in the Corporate File Plan (CFP) structure following the investigation, as directed by the Commissioning Officer. If the investigator considers that the complaint is likely to be complex and/or require a large number of interviews then he/she should ask the Commissioning Officer to designate additional staff to assist the investigation. The Commissioning Officer will also arrange for the investigator to receive other administrative support as necessary, for example for tape-recording and transcription of interviews.

### **Informing IPCC chair**

When the investigator is satisfied that he/she has received full details of the complaint he/she should consider how to inform the IPCC chair about the complaint. The IPCC chair is, in principle and subject to the complainant's consent, entitled to receive full written details of the complaint, including any complaint letter written by the complainant. If, however, the investigator considers that there is a risk that disclosing any of the details of the complaint to the IPCC chair might be prejudicial to the investigation then the investigator may withhold such details as he/she considers appropriate and should document his/her reasons for so doing.

Where a complainant unreasonably withholds consent to the transmission of information to the IPCC chair, the investigator should consult the Commissioning Officer on whether to discontinue the investigation. The investigation should not be discontinued without warning the complainant and giving him/her a final opportunity to reach agreement.

Subject to the two preceding paragraphs, the investigator should write to the IPCC chair as soon as possible after beginning the investigation, giving him/her full written information about the complaint.<sup>1</sup> He/she should do this within a week of starting the investigation or as soon as possible after he has obtained the consent of the complainant, should it be necessary. Any communication to the IPCC chair should be in the form of a letter marked "personal and confidential", unless different arrangements have been agreed with him or her.

### **Representation**

The IPCC chair will have the right to consult with, and be accompanied by, a representative (including a legally qualified representative) at any interview during an investigation and at all stages of any subsequent procedures.

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<sup>1</sup> NB: If the complaint letter has been passed to the Home Office from the IPCC, the investigator should not assume that the IPCC chair has seen the letter. Normally that would not be the case and it is the Investigator's responsibility to secure the complainant's consent for a copy of the letter to be sent to the IPCC chair.

## **Investigation**

The complaint investigation should be carried out in accordance with the principles of natural justice, namely it should be effective, fair, impartial, timely and proportionate. Its purposes are:-

- To establish the facts in relation to the complaint.
- To determine whether there is a case to answer in respect of any of the allegations of misconduct (on the balance or probabilities).
- Where there is a case to answer for misconduct, to determine whether the matter is considered serious.

The investigator should write to the complainant, informing him/her (if he has not already done so) that he/she has been appointed to investigate the complaint and (where necessary) seeking to arrange an interview with the complainant. An interview may not be necessary if the investigator determines that sufficient information has been provided by the complainant.

In all cases the investigator should contact the IPCC chair without delay to arrange a time for interviewing him/her or request a written response to the complaint, and should make arrangements to interview other persons as necessary for the purpose of conducting an effective investigation.

The investigator should keep a record of all interviews and should ask the subject of the interview to confirm its contents. If the alleged misconduct is not serious, the record may be in the form of a note recording the main points of the discussion. If the alleged misconduct is serious, a full transcript of the interview should be kept. In such cases the interview should normally be tape-recorded.

When the investigation has been completed, the investigator should submit a report of the investigation to the Commissioning Officer, which will be classified as "Protect -Staff". The report should give full details of the complaint, the investigation, and the findings on matters of fact and reasoned conclusions on whether or not there is a case to answer for misconduct and whether or not the misconduct is considered serious.

## **Action by the Commissioning Officer**

The Commissioning Officer should review the investigator's report and decide whether he/she accepts its findings. He/she should then inform the IPCC chair and the complainant of the outcome of the investigation and take forward consideration of any possible outcomes in the event of a case to answer.

The Commissioning Officer should then send a copy of the full report of the investigation to the IPCC chair. Transcripts or records of interviews should, however, be redacted if necessary for reasons of confidentiality or lack of

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relevance to the investigation. The Commissioning Officer should inform the complainant in writing of the findings of the investigation.

### **Disputed findings**

In cases where the IPCC chair disputes a finding that there is a case to answer for misconduct, the Commissioning Officer will refer the matter to a 3 person panel consisting of the Commissioning Officer's Director, the Director General of the Crime and Policing Group and the Director General of Human Resources who will hold a hearing to decide on the facts of the case.

The IPCC chair has the right to attend the hearing and make representations to the panel. The panel will determine on the facts of the case whether the allegation of misconduct is found or not. The standard of proof required is the civil standard of the balance of probabilities. Any decision of the panel shall be based on a majority but shall not indicate whether it was taken unanimously or by a majority. The decision of the panel will be communicated to the Commissioning Officer for final decision.